

### REMARKS

Claims 1-37, 41-43, 45-49, 53-55 and 57-59 are currently pending in the subject application and are presently under consideration. Claims 1, 32, 41 and 57-59 have been amended herein to further emphasize novel aspects of applicants' claimed invention, and claims 35-37 have been amended to cure minor informalities. A version of all pending claims is found at pages 2-10. Favorable consideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

**I. Rejection of Claims 1-7, 10-11, 15, 31-34, 36-37, 41-43, 45-47, 49, 53-55 and 57-59 Under 35 U.S.C. §102(e)**

Claims 1-7, 10-11, 15, 31-34, 36-37, 41-43, 45-47, 49, 53-55 and 57-59 stand rejected under 35 U.S.C. §102(e) as being anticipated by Hays *et al.* (US 6,260,004 B1). Withdrawal of this rejection is requested for at least the following reasons. Hays *et al.* does not disclose or suggest each and every limitation set forth in the subject claims.

A single prior art reference anticipates a patent claim only if it ***expressly or inherently describes each and every limitation set forth in the patent claim.*** *Trintec Industries, Inc. v. Top-U.S.A. Corp.*, 295 F.3d 1292, 63 USPQ2d 1597 (Fed. Cir. 2002); *See Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The ***identical invention must be shown in as complete detail as is contained in the ... claim.*** *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989) (emphasis added).

The invention as claimed relates to a diagnostics and control system that controls a motorized system, the motorized system comprising disparate motorized devices. Independent claims 1, 32, 41 and 57-59 recite similar limitations, namely: ***a diagnostics system integrated with the controller and the motor drive to comprise a single unit.*** Hays *et al.* does not disclose or suggest these novel aspects of applicants' claimed invention.

Hays *et al.* discloses an apparatus and method for diagnosing a pump system, wherein diagnostics are utilized to determine impending failures of the pump. However, Hays *et al.* does not disclose the utilization of a motor drive to operate a motorized

system based on a control signal conveyed from a controller, wherein the controller receives a diagnostic signal from a diagnostics system upon which the control signal is based. Thus, since Hays *et al.* does not disclose or suggest a motor drive, the cited document can only be silent regarding a controller, a diagnostics system and a motor drive that are integrated with one another to form a single unit, wherein the controller conveys a control signal to the motor drive based on a diagnostic signal generated by the diagnostics system. Accordingly, in view of this deficiency in Hays *et al.* it is submitted that this rejection should be withdrawn with respect to independent claims 1, 32, 41 and 57-59 (and claims that depend there from).

## **II. Rejection of Claims 8-9, 12-14 and 16-19 Under 35 U.S.C. §103(a)**

Claims 8-9, 12-14 and 16-19 stand rejected under 35 U.S.C. §103(a) as being obvious over Hays *et al.* (US 6,260,004 B1) in view of Ogi *et al.* (US 5,419,197). This rejection should be withdrawn for at least the following reason. Claims 8-9, 12-14 and 16-19 depend from independent claim 1; and Ogi *et al.* does not makeup for the aforementioned deficiencies with respect to Hays *et al.* Ogi *et al.* discloses a monitoring diagnostic apparatus for detecting abnormalities or determining/predicting causes of abnormalities in electrical equipment. Accordingly, withdrawal of this rejection is requested.

## **III. Rejection of Claims 20-30 and 35 Under 35 U.S.C. §103(a)**

Claims 20-30 and 35 stand rejected under 35 U.S.C. §103(a) as being obvious over Hays *et al.* (US 6,260,004 B1) in view of Petsche *et al.* (US 5,640,103). Withdrawal of this rejection is respectfully requested for at least the following reasons. Claims 20-30 depend from independent claim 1 and claim 35 depends from independent claim 32; and Petsche *et al.* fails to cure the deficiencies with respect to Hays *et al.* Petsche *et al.* relates to an apparatus and method for indicating and diagnosing faults in electrodynamic machinery, and specifically to a system for monitoring an electrical induction motor and for indicating whether the motor is functioning properly. Accordingly, this rejection should be withdrawn.

**IV. Rejection of Claim 48 Under 35 U.S.C. §103(a)**

Claim 48 stands rejected under 35 U.S.C. §103(a) as being obvious over Hays *et al.* (US 6,260,004 B1) in view of Gotou *et al.* (US 4,933,834). Withdrawal of this rejection is requested for at least the following reasons. Claim 48 depends from independent claim 41; and Gotou *et al.* does not rectify the deficiencies rendered by Hays *et al.* Gotou *et al.* relates to the control system of an electrical motor that provides robustness to torque disturbances. Accordingly, withdrawal of this rejection is respectfully requested.

**CONCLUSION**

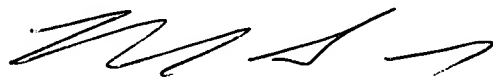
The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063.

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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